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OFFICE OF PETITIONS

In re Application of :  
Oded Katzman et al :  
Application No. 10/693,665 : DECISION GRANTING PETITION  
Filed: October 27, 2003 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 25794 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 3, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 14, 2005, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 15, 2005. A Notice of Abandonment was mailed on September 22, 2005.


The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language of the rule, the statement is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement appearing in the petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election to the restriction requirement; (2) the \$750 petition fee; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the Office action of March 14, 2005 is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,080 extension of time fee submitted with the petition on January 3, 2006 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3723 for appropriate action in the normal course of business on the reply received January 3, 2006.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions